

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

No. 1:10-cr-30008-PA

v.

ORDER

CARMELO MENDEZ-VILLEGAS,

Defendant.

PANNER, J.

This matter comes before the Court on Defendant's motions for reduction in sentence (#20, #21). Defendant pleaded guilty to illegal reentry and, on June 21, 2010, Defendant was sentenced to 68 months with three years of supervised release. Defendant moves for reduction in sentence on compassionate grounds under 18 U.S.C. § 3582(c)(1)(A).

18 U.S.C. § 3582(c)(1)(A) provides that the court may, upon motion of the Director of the Bureau of Prisons, reduce

the term of imprisonment if it finds that "extraordinary and compelling reasons warrant such a reduction," or " the defendant is at least 70 years of age, has served at least 30 years in prison, pursuant to a sentence imposed under section 3559(c), for the offense or offenses for which the defendant is currently imprisoned, and a determination has been made by the Director of the Bureau of Prisons that the defendant is not a danger to the safety of any other person or the community, as provided under section 3142(g); and that such a reduction is consistent with applicable policy statements issued by the Sentencing Commission." 18 U.S.C. § 3582(c)(1)(A).

In this case, Defendant argues that his age, physical condition, lack of threat, along with his anticipated deportation upon release constitute extraordinary and compelling circumstances justifying a reduction in his sentence. However, under 18 U.S.C. § 3582(c)(1)(A), such a motion must come from the Director of the Bureau of Prisons. 18 U.S.C. § 3582(c)(1)(A); See also Lopez v. Davis, 531 U.S. 230, 241-42 (2001). No such motion is before the Court.

Conclusion

Defendant's motions for reduction in sentence (#20, #21)
are DENIED.

IT IS SO ORDERED.

DATED this 10 day of October, 2013.

A handwritten signature in cursive script, reading "Owen M. Panner", written over a horizontal line.

OWEN M. PANNER
United States District Judge